File No. 139 of 1929.

Collection No.

19 .

20/6/47

Office of the Resident

in Mysore,

Bangalore.

Pros. Serial Nos. 1---18

Subject.

Tade Disputes Act, 1929. Rules thereunder

Previous References.	Later References.
C.O. D 98/28	7199/29
	7129/30

S.N.1 No.F.111-1/29, from the Government of India, Foreign and Political Department, forwarding circular letter No.L.1593, dated the 10th May, 1929.

---

1 The rules which the Government of India propose to send may be awaited.

2 Perhaps the Collector and District Magistrate of the Station may have some views in the matter.

Draft submitted.

Sd/- M.Ramachandrayya,
10/6/29.

Id/- W.O.S.
11/6/29.

Id/- G.L.
14/6/29.

S.n.2 Issued No.5457, dated the 26th June, 1929.

S.N.3 From the Collector, C & M Station, Bangalore, No.3007, dated 17-7-29

3 The Trades Disputes Act, 1929 (Act VII of 1929) is not in force in the C & M Station.

4 In view of the Collector's report, no action in the matter is called for.

C.V.Ramanathan
27.7.29

29/7/29

5 I think that some of the provisions of the Act ~~xxxx~~ e.g. the Public Utility Services and Illegal Strikes and Lock-Outs (Sections 15 to 18) might be useful.

6 We may ask to have the Act applied to the C and M Station : rules may be framed when we have seen the Govt. of India's rules?

Resdt.

30.7.29

8

Paragraphs 5-7 ante

Draft submitted.

C.V. Ramanathan.
9. 8. 29

9

Secretary

re-submit
Pl. fair draft and

21.8.29

10

Draft refaired and submitted.

C.V. Ramanathan
22.8.29

Secretary

25/8

S.N. ~~xx~~ 4 Issued No. 7354, dated the 27th August, 1929.

I

Notification of the Government of India, No.585-I., dated the 26th September, 1929.

11

(B)

In the schedule appended to the notification of the Foreign & Political Department, No.261-I., dated the 24th April,1929, there is already an entry numbered as 104, relating to the Indian States (Protection against Disaffection) Act, 1922.

Either this entry or the new entry referred to in the p.u.c. will have to be re-numbered.

Draft to the Government of ~~India~~ India submitted.

C.V. Ramanathan
18.10.29

18/10

1. Why shd it not be 105?
2. Why did we suggest putting it after 103?

1

12

I should have noticed this possibility when passing the draft notification. But I think that the best course would be to suggest to the Govt. of India renumbering the Acts in the Shhedule under the various heads 'Act of Parliament', 'Acts of the G.G.in Council' etc.

Draft may issue?

Resdt. 23.10.29

13

I think we had better leave it to the G.I. to be responsible for this as system of numbering. We must however point out that if an omission we omitted to notice that the number 104 has already allotted in the Schedule

to an Act of the Govt. of the India Act (Protection against Disaffection) Act 1922. In regard the enquiry or request that some other action should be given in the present item.

We can then see how the G.of I. deal with this on receipt of enquiry.

24/10/29.

S.N.6 Endorsement of the Govt. of India, No.D2168-I/29, dated 9-10-29.

14

Paragraph 13 ante

It is submitted that in the draft notification submitted to the Govt. of India, the number 104 was not given to the new entry proposed.

A draft is submitted for consideration.

15

P.U.C. II

The Govt. of India have forwarded a copy of the rules framed by them for British India. A copy of the rules may perhaps be sent to the Collector with reference to his letter at S.N.3 after receipt of a reply from the Govt. of India to the present reference. (The Collector thinks there is no urgent need for ~~the~~ recourse to the Act or rules).

C.V.Ramanathan
1.10.29

1. We may point the matter in D.O. - It was handed over mistake, so we need not perhaps explain regret? Draft submitted.
2. Copy may be sent to Collector

Secretary
Govt D.O

S.N.7 | Notification of the Govt. of India, No.633 I, dated 5-11-29

(III)

17

The Govt. of India have themselves corrected the mistake --S.N.7 (p.u.c.III). The draft already approved will not therefore be issued.

Draft to Collector submitted.

C.V. Ramanathan 13.11.29

13/11

6/11/29

Secretary

S.N. 8 | Issued No. 169, dated the 7th Jan. 1930.

S.N. 9 | From the Govt. of India, F & P Deptt., No.F111(2)-I/29 dated the 20th Jan. 1930.

18

Draft submitted. (In para.2 the Collector is asked to submit draft rules for C & M Stn

C.V. Ramanathan 5.2.30

5/2

17/2/30

Secretary

S.N. 10 | Issued No.1516, dated the 18th Feb. 1930

S.N. 11 | From the Collector, C & M Station, Bangalore No. 168-B-30, dated 8-2-30

19

Two drafts submitted.

C.V.R 18.2.30

18/2

S.N. 12 and 13 | Issued Nos. 1545 and 1546, dated the 19th Feb.1930

S.N. 14 | From the Govt. of Madras, Public Works and Labour Dept

No. 3790 A/30-1, dated 25-2-30

20

Draft to the Collector in continuation of S.N.13 is submitted with reference to his request in S.N. 11.

C.V.Ramanathan 1.3.30

S.N. 15 | Issued No. 1954, dated the 5th March, 1930.

Records section
Please put up file again on 5-4-30 for considering question of reminding Collector.

10.3.30

10-3-30

2. Draft reminder to the Collector with reference to S.N.15 is submitted.

12/4/30

14/4.

Issued No.3259, dated the 16th April, 1930.

S. N. 17
(22) PWC

PWC (T)

S. N. 6(6) (V)

S. N. 14 (M)

From the Collector, Civil and Military Station, Bangalore, No.1093-B-30, dated the 20th April, 1930.

The draft notification forwarded by the Collector, Civil and Military Station, Bangalore, follows closely the rules issued by the Government of India which in turn are adopted by the Government of Madras also. The proposed rules practically reproduce the Government of India rules with the following variations:—

S. N. 6(6) (V) (23)

(a). Rule 3 of the Government of India rules do not find a place in the proposed rules as they concerns railways which do not fall within the jurisdiction of the local Government.

Sec 19(1) of Act (A)

(24)

Rule 21.

(b). In respect of travelling allowance to a non-official appointed as a member of the Court or Board contemplated by the Trade Disputes Act, 1929, the Government of India permit him to draw travelling allowance + halting allowance as are admissible to a Government servant of the First Grade.

rule 22 (V) S. N. 6(6) page 2

The Madras Government however restrict them as follows—

rule 21 (M) S. N. 14.

Railway fare.	Mileage Rs. a. p.	Daily allowance. Rs. a. p.
One 1st class and one 3rd class fare.	0 12 0	7 8 0

If the status of a member of a Court or Board is taken as that of a 1st Grade Officer, as it may be, the the travelling allowance admissible to him for a journey on tour will be 1 3/5 first class railway fare, daily allowance of Rs.10/- and mileage at the rate of 12 annas (the two last according to Madras Travelling Allowance Rules as S.R. 46 and 51 make them applicable to the localitites under the Hon'ble the Resident's jurisdiction).

Mention Special Pay allowance page 52 (K)

(L) (C) Both pending

It will be seen that the above rates are higher than those proposed by the Madras Government. For the

sake of economy and uniformity it is submitted the rates allowed in Madras may be prescribed also here.

(25) Otherwise the rules do not call for any remarks and may be approved.

(26) The rules will come into force on the date of publication and do not require previous publication.

(A) The Trade Disputes Act, 1930, has already been brought into force in the Civil and Military Station Bangalore with effect from 26th September, 1929.

S.N.5 (S) Draft submitted.

K.P.V. 29.4.30

Seen. 2/5.

(27) I am strongly of opinion that ,when Govt. calls for the help of private persons in this kind of matter, it should not be niggardly over travelling expenses. It is undoubtedly the case that an individual undertaking a journey by train will be put to minor expenses not covered by one first and one third class fare - and it is also difficult to defend (and would probably be the object of adverse criticism) giving less in travelling allowance to a non-officials than to an official, journeying on the work.

(28) I have spoken to the Collector who agrees with my view.

Rates admissible to a 1st Class Officer may be given ,as in the G of I's rules.

S.N.66 (V)

7.5.30

(4)

Para 29

(T)

Draft rule 21 has been amended as directed. May issue?

K.M. Vasudevan
9.5.30

20/5.

S.N.18. Issued No. 62 dated 2-6-30.

File 7

S.N.19. From the Govt of India No. F.224-I/30,dated 23-9-30.

(31)

The Govt of India have amended rule 27 of the Indian Trade Disputes Rules,1929. The corresponding rule in force in the C & M Station is rule 26 in S.N.18 at (K). This rule also requires a ~~amendment~~ alteration. A copy of the notification may be forwarded to the Colle-tor,C&M Station as usual and he may be asked to submit the necessary amendment.

Draft endt submitted.

K.M. Vasudevan
12.10.30

14.X.30

S.N.20. Issued No. 7974 dated 22-10-30.

S.N.21.

From the Collector, C & M Station, Bangalore, No. 4936-B -30, dated 30-10-30.

Para 31 ante.

Draft submitted. The amendment suggested by the Collector follows that made by the Govt of India.

Secy.

[S.N.20 - ref in ...]

S.N.22.

Issued No. 113 dated 17-11-30.

No. F.111-I/29.

A copy of the undermentioned paper is forwarded to

the Hon'ble the Resident at Hyderabad,
the Hon'ble the Resident in Mysore,
the Hon'ble the Agent to the Governor General in Central India,
the Hon'ble the Agent to the Governor General in Rajputana,
the Hon'ble the Agent to the Governor General in the States of Western India,
the Hon'ble the Agent to the Governor General, Punjab States,
the Resident at Baroda,
the Resident in Kashmir,
the Resident at Gwalior,
the Political Officer in Sikkim,
the Agent to the Governor General, Madras States,

for information.

S.25-1
27/5/29
139/1929

By order, etc.,

for Deputy Secretary to the Government of India.

Foreign and Political Department,

Simla.

The 22nd May 1929.

Circular letter of the Government of India in the Department of Industries and Labour, No. L1593, dated the 10th May 1929, with enclosure.

GOVERNMENT OF INDIA.

Department of Industries and Labour.

No. L1593.

Dated Simla, the 10th May 1929.

From

The Hon'ble Mr. S. Lall,

Deputy Secretary to the Government of India,

To

All Local Governments and Administrations,

(Except the Government of Bombay).

Trade Disputes Act, 1929.

Sir,

I am directed to enclose a copy of this Department's Notification No. L1593, dated the 8th May 1929, bringing the Trade Disputes Act into force from that date.

2. The machinery provided by the Act for the settlement of industrial disputes cannot be set in motion until the rules under section 19 of the Act are framed and published as provided therein by the Governor General in Council in respect of the industries, businesses and undertakings carried on by him or under his authority or by a railway company, and by Local Governments in respect of other businesses, industries or undertakings within their respective provinces. The rules to be framed by the Governor General in Council are under preparation and the Government of India propose to circulate a copy of these rules when ready to local Governments and Administrations as they may be of some assistance to them in the preparation of their own rules. The Government of India have found it necessary to bring the Act into force prior to the framing of the rules under the Act owing to the serious situation created by the strike in the Bombay textile mills. Should

~~the~~ the

the local Government consider it necessary to utilise you immediately the machinery provided in the Act for the settlement of any industrial dispute, they you may issue forthwith such rules as will suffice to meet immediate requirements and revise these rules subsequently, if necessary, in the light of further experience.

I have, etc.,

Sd. S.Lall,

Deputy Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 8th May 1929.

No. L. 1593.- In pursuance of sub-section (3) of section 1 of the Trade Disputes Act, 1929 (VII of 1929) the Governor General in Council is pleased to appoint the 8th May 1929 as the date on which the said Act shall come into force.

Sd. T. Ryan,

Offg. Secretary to the Government of India.

[R.O. 106 (a).]

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 26th June 1929.

No. 5457 Enclos. 2

A copy of the marginally* noted letter, with enclosure, is forwarded to the Collector & District Magistrate, Civil and Military Station, Bangalore, with the request that he will kindly furnish his views on the latter part of the Government of India letter No.L.1593, dated the 10th May, 1929.

*No. F.111-I-29, dated the 22nd May, 1929, from the Government of India Foreign & Political Department.

S.N.1.

Encls. to S.N.1.

(B)

sd/- M. O. Shirwood Major.
for Secretary to the Resident.

1212—16-3-1929—5,000—RPB.

M Ramachandrayya 10/6/29

No. 3007-B-29.

Office of the Collector,
Civil and Military Station, Bangalore.

Dated 17th July 1929.

FROM

G. H. Cooke, Esq., M. C., I. C. S.,

COLLECTOR, CIVIL AND MILITARY STATION,

BANGALORE,

To

The Secretary to the Resident

in Mysore, BANGALORE.

SIR,

Trade Disputes Act, 1929 - Necessity for immediate application - Views called for - Your No. 5457/139-1929 dated 26-6-1929.

----:0:----

I do not anticipate any immediate need for recourse to the provisions of the Act and think that we may await a copy of the rules now under preparation by the Government of India before proceeding to frame our own.

I have the honour to be,

Sir,

Your most obedient servant,

COLLECTOR.

18 JUL 1929

7,354 Encl
27-8-29

D R A F T.

From

The Hon'ble the Resident in Mysore,
Bangalore.

To

The Political Secretary to the
Government of India,
For. & Pol. Department.

THE TRADES DISPUTES ACT, 1929.

Sir,

I have the honour to recommend that the Trade Dispute Act, 1929, (Act VII of 1929), may be applied to the Civil and Military Station of Bangalore and to submit a draft notification for approval and favour of publication in the Gazette of India.

2. I need not go into details, but I would remind you of the recent industrial trouble in the Mills in Bangalore City and of the communal feeling, which is always rife. There is always the possibility that trouble may arise and spread to the Civil & Military Station, Bangalore, where attempts may be made to bring about strikes among public utility services and, in the circumstances, I think that it would be wise to be forearmed.

I have, etc.,

sd. [illegible]
Major
for RESIDENT.

2 VR 24.8.29

DRAFT NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign ~~and~~ Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is ~~xxxx~~ pleased to direct that the following ~~xx~~ addition shall be made in the Schedule to the notification of the Government of India in the Foreign and Political Department No.261-I, dated the 24th April 1929, applying certain enactments to the Civil and Military Station of Bangalore, namely;—

After entry No. 103, the following shall be inserted namely,

"The Trade Disputes Act, 1929 (VII of 1929)".

SECRETARY TO THE GOVERNMENT OF INDIA

Slip B

12/VII
9.8.29

No. 585 -I.

GOVERNMENT OF INDIA,

Foreign and Political Department.

Simla, the 26th September 1929.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following amendment shall be made in the Schedule to the notification of the Government of India in the Foreign and Political Department No.261-I, dated the 24th April, 1929, applying certain enactments to the Civil and Military Station of Bangalore, namely:-

After entry No.103, in the said Schedule the following entry shall be inserted, namely:-

"104. The Trade Disputes Act, 1929 (VII of 1929)".

Sd/- C.C. Watson,

Political Secretary to the Government of India.

Copy to the Hon'ble the Resident in Mysore, for information. Reference his letter No.7354/139, dated 26th August 1929.

Attested.

Superintendent,
Foreign and Political Department.

No.D.2168-I/29.

A copy of the undermentioned paper is forwarded to the

Hon'ble the Resident at Hyderabad,
Hon'ble the Resident in Mysore,
Hon'ble the Agent to the Governor-General in Central India,
Hon'ble the Agent to the Governor-General in Rajputana,
Hon'ble the Agent to the Governor-General in the States of Western India, Punjab States,
Resident at Baroda,
Resident in Kashmir,
Resident at Gwalior,
Political Officer in Sikkim,
Agent to the Governor-General, Madras States,

for information. Reference Foreign & Political Department endorsement No.F.111-I/29, dated the 22nd May 1929.

S.No.1(A)

By order, etc.,

for Deputy Secretary to the Government of India.

Foreign & Political Department,

SIMLA;

The 9th October ~~September~~ 1929.

Letter from the Government of India in the Department of Industries & Labour No.L.1593 dated 11th September 1929 (with enclosure) to all Local Governments and Administrations.

(With ~~S.Cs.~~)

(6-a

GOVERNMENT OF INDIA,
Department of Commerce.

No.L.1593.

Dated Simla, the 11th September 1929.

From

Rai Bahadur S.K.Banerjee,
Assistant Secretary to the Government of India.

To

All Local Governments and Administrations.

Subject:- Rules under the Trade Disputes Act,1929.

Sir,

I am directed to enclose a copy of the Notification No.L1593, dated the 28th August 1929 publishing the rules which have been framed by the Governor General in Council in exercise of the powers conferred on him by section 19 of the Trade Disputes Act, 1929.

2. The notification was published in the Gazette of India dated the 31st August 1929.

Steps are being taken to place copies of the rules on sale with the Manager, Central Publication Branch, Calcutta.

I have, etc.,

Sd/- S.K.Banerjee,

Assistant Secretary to the Government of India.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

Simla, the 28th August 1929.

No. L.-1593.—In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), the Governor General in Council is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act in respect of industries, businesses and undertakings carried on by him or under his authority, or by a railway company :—

Preliminary.

1. *Short title.*—These rules may be called the Indian Trade Disputes Rules, 1929.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Trade Disputes Act, 1929 ;

(*b*) "section" means a section of the Act ;

(*c*) "Form" means a form appended to these rules ;

(*d*) "Chairman" means the Chairman of a Court or Board, or, if the Court or Board consists of one person only, such person.

3. *Definition of employer in the case of a railway administered by the Government.*—In the case of a railway administered by the Government, the Agent or Manager of the railway shall be the authority who is the employer within the meaning of clause (*c*) of section 2.

PART I.

Procedure for reference of trade disputes to Courts of Inquiry or Boards of Conciliation.

4. *Application.*—An application for the reference of a trade dispute to a Court or Board shall be made in Form "A" and shall be forwarded by registered post in triplicate to the Secretary to the Government of India in the Department of Industries and Labour. The application shall be accompanied by a statement setting forth :—

(*a*) the parties to the dispute ;

(*b*) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party ;

(*c*) an estimate of the number of persons affected or likely to be affected by the dispute ;

(*d*) the efforts made by the parties themselves to adjust the dispute ;

(*e*) in the case of an application for the appointment of a Court, the specific matters on which an enquiry by a Court is desired.

5. *Application by whom signed.*—The application and the statement accompanying it shall be signed—

(*a*) in the case of an employer, by the employer himself, or, when the employer is an incorporated company or other body corporate, by the Agent, Manager or other principal officer of the Corporation.

(*b*) in the case of employees—

(*i*) where the employees are members of a registered trade union, by two of the officers of the union duly authorised in writing in this behalf by a majority of the union members affected ;

(*ii*) where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in writing in this behalf by the majority of the employees.

6. *Notification of appointment of Court or Board.*—The appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the *Gazette of India*.

7. *Notice to parties to nominate representatives.*—(1) If the appointing authority proposes to appoint a Board it shall send a notice in Form "B" to the parties to the dispute to nominate persons to represent them on the Board.

The time to be allowed for making nominations shall not be less than 7 days nor more than one month from the date of the service of the notice.

(2) The notice shall—

(*i*) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the Agent, Manager or other principal officer of the Corporation ;

(*ii*) in the case of employees who are members of a registered trade union, be sent to the Secretary of the Union ;

(*iii*) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (*ii*) of clause (*b*) of rule 5, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the place where the employees work or where a majority of them reside or by advertisement in one or more suitable newspapers.

PART II.

Powers and procedure of Courts and Boards.

8. *Place and time of hearing.*—The sittings of the Court or Board shall be held at such time

and place as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held ; Provided that, so far as practicable, the Court or Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

9. *Quorum.*—The quorum necessary to constitute a sitting of a Court or Board shall be as follows :—

(1) In the case of a Court—

	Quorum.
where the number of members is 2	1
where the number of members is more than 2 but less than 5	2
where the number of members is 5 or more	3

(2) In the case of a Board—

where the number of members is 3	2
where the number of members is 5	3

10. *Administration of oath.*—Any member of a Court or Board may administer an oath.

11. *Evidence.*—The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

12. *Summons.*—A summons issued by the Court or Board shall be in Form " C ".

13. *Service of summons or notice.*—Any summons or notice issued by the Court or Board may be served either personally or by registered post.

14. *Procedure at the first sitting.*—At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

15. *Information to be kept confidential.*—All books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such parties as the Court or Board allows ; but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Court or Board do not relate to the matters at issue may be sealed up.

16. *Court or Board may proceed ex-parte.*—If without good cause shown any party to proceedings before the Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

17. *Power of entry and inspection.*—A Court or Board or any member thereof or any other person authorised in writing by a Court or Board in this behalf may, for the purposes of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject-matter of the enquiry or investigation.

18. *Court or Board may appoint experts or assessors.*—The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

19. *Powers of Courts and Boards.*—In addition to the powers conferred by sub-section (2) of section 9 of the Act Courts and Boards shall have the following powers also, namely :—

Powers vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters ;—

(*a*) discovery and inspection,

(*b*) granting adjournments,

(*c*) reception of evidence taken on affidavit.

and the Court or Board may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

20. *Decision by majority.*—All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

21. *Right of representatives.*—The representatives of the parties, appearing before a Court or Board, shall have the right of examination, cross-examination and re-examination and of addressing the Court or Board when all evidence has been called.

Part III.

Remuneration of members of Courts and Boards and witnesses and Establishment.

22. *Travelling allowance.*—A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible, and subject to the conditions applicable, to a Government servant of the first grade under the Supplementary Rules issued by the Governor General in Council.

23. *Fees.*—The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Governor General in Council in each case.

24. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Court or Board shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Province where the enquiry or investigation is being conducted.

25. *Establishment.*—The Governor General in Council may appoint such persons to be the Secretary and clerks of a Court or Board as he may think necessary and may fix the salaries

PART IV.

Representation of parties.

26. *How parties may be represented.*—Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

27. *Representation by a legal practitioner.*—Any party to a reference before a Court or Board may be represented by a legal practitioner, [with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose.]

28. *Parties bound by acts of representatives.*—Every party appearing by a representative shall be bound by the acts of such repre-

FORM A.

(See rule 4.)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a Court of Inquiry. / Board of Conciliation

Whereas a trade dispute is apprehended / exists between

and and it is expedient that the matters specified in the enclosed / the dispute statement which are connected with or relevant to the dispute should be referred for enquiry / investigation and settlement by a Court of Inquiry, / Board of Conciliation, an application is hereby made under section 3 of the Trade Disputes Act, 1929, that the said matters / said dispute should be referred to a Court of Inquiry / Board of Conciliation.

This application is made by the undersigned who have been duly authorised to make this application by *

A statement giving particulars of the dispute as required by rule 4 of the Indian Trade Disputes Rules, 1929 is enclosed.

Signature of Applicant(s).— .....

To

The Secretary to the Government of India, Department of Industries and Labour.

FORM B.

(See rule 7.)

WHEREAS a trade dispute has arisen / is apprehended between .....

.....and.....

and it is expedient to refer the said dispute under section 3 of the Trade Disputes Act, 1929, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the ..... the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified above, the Governor General in Council will select and appoint such person (persons) as he thinks fit to represent you.

Secretary to the Government of India.

FORM C.

(See rule 12.)

WHEREAS a trade dispute between.....and

..... has been referred to this Court of Inquiry / Board of Conciliation for investigation under section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court / Board in person on the day of at o'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court / Board.

Secretary, Court of Inquiry. / Board of Conciliation.

Dated .....

* Where an application is made on behalf of the employees, state the manner in which the authority was given.

T. RYAN,
Offg. Secy. to the Govt of India.

H112DIL—100.—14-9-29—GIPS

No. 633 I.

Government of India.

Foreign and Political Department.

New Delhi, the 5th November 1929.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following further amendment shall be made in the Schedule to the notification of the Government of India in the Foreign and Political Department, No.261-I, dated the 24th April 1929, applying certain enactments to the Civil and Military Station of Bangalore, namely:-

In the first column of the said Schedule for the figures "104" against the entry relating to the Trade Disputes Act, 1929 (VII of 1929) the figures and letter "103-A" shall be substituted.

Sd. C.C. Watson,

Political Secretary to the Government of India.

Copy to the Hon'ble the Resident in Mysore, for information.

Attested.

Superintendent,

Foreign and Political Department.

18

Office of the Resident in Mysore

Bangalore, [redacted] 1929

7th Jan. 1930.

No. 169 Enc. 11 pages

P.W.C.I

(1) Notification of the Govt. of India, For. and Pol. Deptt. No.585-I, dated the 26th Sep. 1929.

(2) " " " " " No.633-I, dated the 5th Nov. 1929.

(3) Letter from the Govt. of India, Deptt. of Industries and Labour No.L.1593, dated the 11th Sep. 1929, to all Local Govts and Administrations. (with enclosure)

#S.N.3 (5)

A copy of the papers mentioned in the margin is forwarded to the Collector, Civil and Military Station, Bangalore, with reference to his letter # No.3007B-29, dated the 17th July, 1929.

SECRETARY TO THE RESIDENT.

9.12.29

13.11.29

13/11

No.F.111(2)-I/29.

A copy of the undermentioned papers is forwarded to the

Hon'ble the Resident at Hyderabad,
" " " in Mysore,
" " Agent to the Governor General, in Central India,
" " " " " " " " Rajputana,
" " " " " " " " the States of Western India,
" " " " " " " " Punjab States,
Resident at Baroda,
" in Kashmir,
" at Gwalior,
Political Officer in Sikkim,
Agent to the Governor General, Madras States,

for information in continuation of the endorsement from the Government of India in the Foreign and Political Department No. D-2168 F.111 I/29, dated the 9th October 1929.

SW.6 (B)

By order, etc.,

for Deputy Secretary to the Government of India.

Foreign and Political Department.

New Delhi;

The 20th January 1930.

139/29

Letter from the Government of India in the Department of Industries and Labour, No. L-1593, dated the 7th January 1930 (with enclosure) to all Local Governments and Administrations.

Copy of a letter No. L 1593, dated New Delhi, the 7th January 1930, from the Assistant Secretary to the Government of India, Department of Industries and Labour, to All Local Governments and Administrations.

Amendments to the Indian Trade Disputes Rules, 1929.

In continuation of the letter from this Department No. L1593, dated the 11th September 1929, I am directed to enclose a copy of the Notification No. L-1593, dated the 18th December 1929 publishing certain amendments to the Indian Trade Disputes Rules 1929 made by the Governor General in Council in exercise of the powers conferred on him by Section 19 of the Trade Disputes Act, 1929.

2. The notification was published in the Gazette of India, dated the 21st December 1929.

DEPARTMENT OF INDUSTRIES AND LABOUR.

NOTIFICATION.

New Delhi, the 18th December 1929.

No. L.-1593.—In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), the Governor General in Council is pleased to make the following amendments to the Indian Trade Disputes Rules, 1929, namely:—

In the said Rules—

(1) For the first paragraph of sub-rule (1) of rule 7 the following shall be substituted, namely:—

"*Notice to parties to nominate representatives.*—(1) If the appointing authority proposes to appoint a Board consisting partly of representatives of the parties to the dispute, it shall send a notice in Form 'B' to the parties to nominate persons to represent them on the Board", and

(2) in Form 'B', for the figure "6" the figure "7" shall be substituted.

J. A. SHILLIDY,
Secy. to the Govt. of India.

GIPD—108 Dof I&L—18-1-30—501

R.O.106(a).]

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 18/2/ 1930

No. 516 Enclos. /

A copy of the marginally* noted paper is forwarded

Notification No. L. 1593
dated the 18 th Dec. 1929
of the Govt. of India, Deptt. of Industries and Labour

to the Collector, C & M Station, Bangalore, for information in continuation of endorsement from this office, No.169, dated the 7th Jan. 1930

2. The Collector is requested to submit for the consideration of the Resident a set of draft rules for the Civil and Military Station.

Secretary to the Resident.

* S.N.8 slip Y

1212—16-3-1929—5,000—RPB.

No. 168-B-30.

Office of the Collector,
Civil and Military Station, Bangalore.

Dated 8th February '30.

FROM

G. H. Cooke, Esq., M. C., I. C. S.,

COLLECTOR, CIVIL AND MILITARY STATION,

BANGALORE,

To

The Secretary to the Resident
in Mysore, Bangalore.

SIR,

S.N.8(Y)

Trade Dispute Act 1929 - Framing of rules under Section 19 of the Act - Your No. 169 dated 7th January 1930.

---:0:---

Kindly let me know if you wish me to submit draft rules to be framed by the Local Government under Section 19 of the Act; if so, I should be obliged if you would kindly get me a copy of the Madras rules so that I may draft the Station rules on the same lines.

I have the honour to be,
Sir,
Your most obedient servant,

COLLECTOR.

11-2-30

DESPATCHED
12 FEB. 1930

No. 1545
19.2.30

From

Secretary

To

The Secretary to the Govt. of
Madras,

Public Works and Labour Dept.

Rules under the Trade Disputes Act, 1929

Sir,-

In connection with the question of framing rules under the Trade Disputes Act, 1929, for the Civil and Military Station of Bangalore, I am directed to enquire whether the Govt. of Madras have made rules under section 19 of the Act for the Madras Presidency, and, if so to request that, if there be no objection, a copy may kindly be forwarded to this office for reference.

I have etc.

for SECRETARY TO THE RESIDENT.

C.N.02
18.2.30

Memorandum.

No. 1546

From

Secretary

Bangalore, dated 19/2/30

To

The Collector,

C & M Station,

Bangalore

S.N.11 (D)

Reference: His letter No.168-B-30, dated the 8th Feb. 1930, regarding rules under the Trade Disputes Act, 1929

S.N.10 (B)

In continuation of para. 2 of endorsement from this office No.1516, dated the 18th Feb. 1930 the Collector, C & M Station, is informed that the Govt. of Madras have been addressed for a copy of the rules in force in the Madras Presidency.

18/2

for SECRETARY TO THE RESIDENT.

19.2.30

18.2.30

14

Public Works & Labour Department.

No. 3790 A/30-1.

From

A.G. Leach, Esq., I.C.S.,
Secretary to the Government of Madras.

To

The Secretary to the Resident in Mysore,
Bangalore.

Dated Fort St. George, the 25th February 1930.

Sir,

Rules under the Trade Disputes Act, 1929 - Reference your letter No. 1545/139/29, dated the 19th February 1930.

****

I am directed to forward a copy of the Madras Trade Disputes Rules, 1930 framed under section 19 of the Trade Disputes Act, 1929.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government.

MVP

NOTIFICATION.

Fort St. George, January 30, 1930.

No. 63.—In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), the Governor in Council is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act in respect of industries, businesses and undertakings carried on in the Presidency of Madras other than those carried on by, or under the authority of, the Governor-General in Council, or by a railway company :—

Preliminary.

1. *Short title.*—These rules may be called the Madras Trade Dispute Rules, 1930.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,

(*a*) "the Act" means the Trade Disputes Act, 1929;

(*b*) "section" means a section of the Act;

(*c*) "Form" means a form appended to these rules;

(*d*) "Chairman" means the Chairman of a Court or Board, or, if the Court or Board consists of one person only, such person.

Part I.

Procedure for reference of trade disputes to Courts of Inquiry or Boards of Conciliation.

3. *Application.*—An application for the reference of a trade dispute to a Court or Board shall be made in Form "A" and shall be forwarded by registered post in triplicate to the Secretary to the Government of Madras, Public Works and Labour Department. The application shall be accompanied by a statement setting forth—

(*a*) the parties to the dispute;

(*b*) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party;

(*c*) an estimate of the number of persons affected or likely to be affected by the dispute;

(*d*) the efforts made by the parties themselves to adjust the dispute;

(*e*) in the case of an application for the appointment of a Court, the specific matters on which an enquiry by a Court is desired.

4. *Application by whom signed.*—The application and the statement accompanying it shall be signed—

(*a*) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation.

(*b*) in the case of employees—

(i) where the employees are members of a registered trade union, by two of the officers of the union duly authorized in writing in this behalf by a majority of the union members affected;

(ii) where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorized in writing in this behalf by the majority of the employees.

5. *Notification of appointment of Court or Board.*—The appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the *Fort St. George Gazette.*

6. *Notice to parties to nominate representatives.*—(1) If the appointing authority proposes to appoint a Board consisting partly of representatives of the parties to the dispute it shall send a notice in Form "B" to the parties to nominate persons to represent them on the Board, and the time to be allowed for making nominations shall not be less than seven days nor more than one month from the date of the service of the notice.

(2) The notice shall—

(i) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the Agent, Manager or other principal officer of the Corporation;

(ii) in the case of employees who are members of a registered trade union, be sent to the Secretary of the Union;

(iii) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (ii) of clause (*b*) of rule 4, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the place where the employees work or where a majority of them reside or by advertisement in one or more suitable newspapers.

Part II.

Powers and procedure of Courts and Boards.

7. *Place and time of hearing.*—The sittings of the Court of Board shall be held at such time and place as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held; Provided that, so far as practicable, the Court or Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

8. *Quorum.*—The quorum necessary to constitute a sitting of a Court or Board shall be as follows :—

	Quorum.
(1) In the case of a Court—	
where the number of members is two	1
where the number of members is more than two but less than five.	2
where the number of members is five or more	3
(2) In the case of a Board—	
where the number of members is three	2
where the number of members is five	3

9. *Administration of oath.*—Any member of a Court or Board may administer an oath.

10. *Evidence.*—The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

11. *Summons.*—A summons issued by the Court or Board shall be in Form "C".

12. *Service of summons of notice.*—Any summons or notice issued by the Court or Board may be served either personally or by registered post.

13. *Procedure at the first sitting.*—At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

14. *Information to be kept confidential.*—All books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such parties as the Court or Board allows; but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Court or Board do not relate to the matters at issue may be sealed up.

15. *Court or Board may proceed ex parte.*—If without good cause shown any party to proceedings before the Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

16. *Power of entry and inspection.*—A Court or Board or any member thereof or any other person authorized in writing by a Court or Board in this behalf, may for the purposes of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject-matter of the enquiry or investigation.

17. *Court or Board may appoint experts or assessors.*—The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

18. *Powers of Courts and Boards.*—In addition to the powers conferred by sub-section (2) of section 9 of the Act, Courts and Boards shall have the following powers also, namely :—

Powers vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) granting adjournments,

(*c*) reception of evidence taken on affidavit, and the Court or Board may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

19. *Decision by majority.*—All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

20. *Right of representatives.*—The representatives of the parties, appearing before a Court or Board, shall have the right of examination, cross-examination and re-examination and of addressing the Court or Board when all evidence has been called.

PART III.

Remuneration of members of Courts and Boards and witnesses and establishment.

21. *Travelling Allowance.*—A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connexion with his duties as such member at the following rates and subject to the provisions of the Madras Travelling Allowance Rules :—

Railway fare admissible for journey by rail.	Mileage admissible for journeys by road.	Daily allowance for halts.
	Rs. A. P.	Rs. A. P.
One first-class and one third-class fare.	0 12 0	7 8 0

22. *Fees.*—The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Governor in Council in each case.

23. *Expenses of witnesses.*—Every person who is summoned and duly attends as a witness before a Court or Board shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Presidency of Madras.

24. *Establishment.*—The Governor in Council may appoint such persons to be the Secretary and clerks of a Court or Board as he may think necessary and may fix the salaries and allowances payable to them.

PART IV.

Representation of parties.

25. *How parties may be represented.*—Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

26. *Representation by a legal practitioner.*—Any party to a reference before a Court or Board may be represented by a legal practitioner, with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose.

27. *Parties bound by acts of representatives.*—Every party appearing by a representative shall be bound by the acts of such representative.

FORM A.

(*See rule* 3.)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a Court of Inquiry / Board of Conciliation :

Whereas a trade dispute exists / is apprehended between ..... and ..... and it is expedient that the matters specified in the enclosed which are connected with / or relevant to the dispute should be referred for enquiry / investigation and settlement by a Court of Inquiry / Board of Conciliation, an application is hereby made under section 3 of the Trade Disputes Act, 1929, that the said matters / said dispute should be referred to a Court of Inquiry / Board of Conciliation.

This application is made by the undersigned who have been duly authorized to make this application by*

*Where an application is made on behalf of the employees, state the manner in which the authority was given.

A statement giving particulars of the dispute as required by rule 3 of the Madras Trade Disputes Rules, 1929, is enclosed.

Signature of Applicant(s).....

To

The Secretary to the Government of Madras,
Public Works and Labour Department.

FORM B.

(*See rule* 6.)

Whereas a trade dispute has arisen / is apprehended between .....and.....and it is expedient to refer the said dispute under section 3 of the Trade Disputes Act, 1929, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the.....the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) of the said Board.

If you fail to make the recommendation by the date specified above, the Governor in Council will select and appoint such person (persons) as he thinks fit to represent you.

Secretary to the Government of Madras.

FORM C.

(*See rule* 11.)

Whereas a trade dispute between..... and.....has been referred to this Court of Inquiry / Board of Conciliation for investigation under section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court / Board in person on the day of.....at..... o'clock in the.....noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court / Board.

Secretary, Court of Inquiry / Board of Conciliation

Dated

A. G. LEACH,
Secretary to Government.

[R.O.106(a).]

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 5th March, 1930.

No. 1954 Enclos. / 139 of 1929.

A copy of the marginally* noted notification containing the "Madras Trade Dispute Rules, 1930" is forwarded to the Collector, Civil and Military Station, Bangalore, in continuation of Memorandum from this office, No.1546, dated the 19th February, 1930. The return of the notification with a draft of the rules for the station is requested.

*No. 63 dated the 30th January, 1930 from the Government of Madras.

S.N.13, E

for Secretary to the Resident.

4.3.

1212—16-3-1929—5,000—RPB.

vdv.

16

No. 2255 D 13.3.30
No 2

A copy of the papers mentioned in the margin is forwarded to

the District Judge
the Commr. of Police
the Residency Surgeon
the Inspector of Schools

Bangalore for information.

12/3

For SECRETARY TO THE RESDT

(1) Notification of the Govt. of India, For. & Pol. Deptt. No.585-I, dated 28-9-29

(2) Notification of the Govt. of India, For. & Pol. Deptt, No. 633-I dated 5-11-29

13.12.3.30.

End.
13/3/30

Note

A copy of the above notifns. was sent to Collector with S.N. 8. As these notifns. affect the general notification of the Govt. of India (No. 261-I, dated 24-4-29), a copy may, it is submitted, be sent to other Officers of the Station also.

12.3.30

No. 1002-P-30.

Office of the Collector,
Civil and Military Station, Bangalore.

Dated 10th April 1930.

FROM

G. H. Cooke, Esq., M.C., I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE,

To

The Secretary to the Resident
in Mysore, Bangalore.

SIR,

Trade Disputes Act - 1929 - Framing of rules under Section 19 of the Act - Your No.1954/139 of 1929 dated 5th March 1930.

--:0:--

I enclose a draft notification of the rules for the C. & M. Station, Bangalore for the consideration of the Hon'ble the Resident in Mysore, Bangalore. The notification sent with the above reference is herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

DESPATCHED
16 APR 1930

COLLECTOR.

No. 1093-F-30.,

Draft.

Notification.

In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929,(VII of 1929), as applied to the C. & M. Station,of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act in respect of industries, businesses and undertakings -- carried on in the Civil and Military Station of Bangalore other than those carried on by, or under the authority of the Governor General in Council or by a railway company:-

Preliminary.

1. Short title- These rules may be called the Bangalore (C. & M. Station) Trade Dispute Rules,1930.

2. Definitions - In these rules, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the Trade Disputes Act, 1929, as applied to the C. & M. Station of Bangalore;

(b) "section" means a section of the Act;

(c) "Form" means a form appended to these rules;

(d) "Chairman" means the Chairman of a Court or Board, or if the Court or Board consists of one person only, such person.

Part I:- Procedure for reference of trade disputes to Courts of Inquiry or Boards of Conciliation.

3. Application- An application for the reference of a trade dispute to a Court or Board shall be made in Form "A" and shall be forwarded by registered post in triplicate to the Secretary to the Hon'ble the Resident in Mysore, Bangalore The application shall be accompanied by a statement setting forth -

(a) the parties to the dispute

(b) the nature and cause of the dispute, including any de-

demands made by either party on the other to which exception is taken by the opposite party;

(c) an estimate of the number of persons affected or likely to be affected by the dispute;

(d) the efforts made by the parties themselves to adjust the dispute;

(e) in the case of an application for the appointment of a Court, the specific matters on which an enquiry by a Court is desired.

4. Application by whom signed. The application and the statement accompanying it shall be signed -

(a) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation.

(b) in the case of employees-

(i) Where the employees are members of a registered trade union, by two of the officers of the union, duly authorised in writing in this behalf by a majority of the union members affected;

(ii) Where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in writing in this behalf by the majority of the employees.

5. Notification of appointment of Court or Board.

The appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the Mysore Residency orders.

6. Notice to parties to nominate representatives -

(1) If the appointing authority proposes to appoint a Board consisting partly of representatives of the parties to the dispute it shall send a notice in Form "B" to the parties to nominate persons to represent them on the Board, and the time to be allowed for making nominations shall not be less than seven days nor more than one month from the date of the service of the notice.

(2) The notice shall -

(i) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the agent, manager or other principal officer of the Corporation;

(ii) in the case of employees who are members of a registered trade union, be sent to the Secretary of the union.

(iii) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (ii) of clause (b) of rule 4, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the place where the employees work or where a majority of them reside or by advertisement in one or more suitable newspapers.

Part II: Powers and procedure of Courts and Boards.

7. Place and time of hearing.- The sittings of the Court or Board shall be held at such time and place as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held; Provided that, so far as practible, the Court or Board shall sit in the locality within which the subject matter of the proceeding before it arose.

8. Quorum.- The quorum necessary to constitute a sitting of a Court or Board shall be as follows.-

		Quorum
(1)	In the case of a court -	
	where the number of members is two	1
	where the number of members is more than two but less than five	2
	where the number of members is five or more	3
(2)	In the case of a Board where the number of members is three	2
	where the number of members is five	3

9. Administration of oath.- Any members of a Court or Board may administer an oath.

10. Evidence.- The Court or Board may accept, admit or

or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

11. Summons.- A summons issued by the Court or Board shall be in Form "C".

12. Service of summons or notice.- Any summons or notice issued by the Court or Board may be served either personally or by registered post.

13. Procedure at the first sitting.- At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

14. Information to be kept confidential.- All books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such parties as the Court or Board allows; but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Court or Board do not relate to the matters at issue may be sealed up.

15. Court or Board may proceed ex parte. - If without good cause shown any party to proceedings before Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

16. Power of entry and inspection.- A Court or Board or any member thereof or any other person authorised in writing by a Court or Board in this behalf, may for the purposes of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevent to the subject matter of the enquiry or investigation.

21. Travelling allowance. A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible, and subject to the conditions applicable, to a Government servant of the first grade under the Supplementary Rules issued by the Governor General in Council.

17. Court or Board may appoint experts or assessors.-

The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

18. Powers of Courts and Boards.-

In addition to the powers conferred by sub-section (2) of section 9 of the Act, Courts and Boards shall have the following powers also namely.-

Powers vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:-

(a) discovery and inspection,
(b) granting adjournements,
(c) reception of evilence taken on affidavit, and the

Court or Board may summon and examine suo motu any person whose evidence appears to it to be material and shall be deemed to be a civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

19. Decision by majority.- All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vot

20. Right of representatives.- The representatives of the parties, appearing before a Court or Board, shall have the right of examination, cross-examination and re-examinatio and of addressing the Court or Board when all evidence has been called.

PART III.- Remuneration of members of Courts and Boards and witnesses and establishment.

21. Travelling Allowance.- A member of a Court or Board, if

if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the following rates and subject to the provisions of the Bangalore (C.& M. Station) Travelling Allowance rules.-

Railway fare admissible for journey by rail.- One first - class and one third class fare.

Mileage admissible for journeys by road. Rs.0-12-0.

Daily allowance for halts. Rs.7-8-0

22. Fees.- The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Hon'ble the Resident in Mysore in each case.

23. Expenses of witnesses.- Every person who is summoned and duly attends as a witness before a Court or Board shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Civil and Military Station of Bangalore.

24. Establishment.- The Hon'ble the Resident in Mysore, may appoint such persons to be the Secretary and clerks of a Court or Board as he may think necessary and may fix the salaries and allowances payable to them.

PART IV: Representation of parties.

25. How parties may be represented.- Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

26. Representation by legal practitioner:- Any party to a reference before a Court or Board may be represented by a legal practitioner, with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose.

27. Parties bound by acts of representatives.- Every party appearing by a representative shall be bound by the acts of such representative.

FORM A.

(See rule 2)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a Court of Enquiry Board of E

Whereas a trade dispute is apprehended ---------- between
exists
----------and----------
the matters specified
----------and it is expedient that ----------
in the enclosed which are connected with or relevent to
---
the dispute
the dispute
---------- should be referred for ----------
enquiry
investigation and settl
ment / by a Court of Inquiry, ---------- an application is
Board of Conciliation,

hereby made under section 3 of the Trade Disputes Act, 1929,
said matters
that the ---------- should be referred to a --
said dispute

Court of Inquiry

Board of Conciliation.

This application is made by the undersigned who have been duly authorised to make this application by*

---

*Where an application is made on behalf of the employees, state the manner in which the authority was given.

A statement giving particulars of the dispute as required by rule 2 of the Bangalore (Civil and Military Station Trade Disputes Rules, 1930, is enclosed.

Signature of Applicant (s). . . . . .

To

The Secretary to the Resident in Mysore,
Bangalore.

FORM F.

(See rule 6)

Whereas a trade dispute has arisem ---------- between
is apprehended
---------- and it is expedient to refer the
and

said dispute under section 3 of the Trade Disputes Act, 1929, to a Board of conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the ----------the name(s) and address(es) of one (two) person (s) whom you wish to recommend for appointment as your

as your representative (s) of the said Board.

If you fail to make the recommendation by the ~~date~~ date specied above, the Hon'ble the Resident in Mysore will select and appoint such person (persons) as he thinks fit to represent you.

Secretary to the Resident-

FORM C.

(See rule 11)

Whereas a trade dispute between----------and--------
has been referred to this Court of Inquiry / Board of Conciliation
for investigation under section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court / Board in person on the day of --------at-------
o'clock in the ----------noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court / Board

Secretary Court of Inquiry / Board of Conciliation

(Sd) G.H. Cooke,
9-5-30.

COLLECTOR.

"C O P Y"

P.M. Ambrose
SHERISTADAR. 15/7

2 Nov
15/4

Notification.

[H.E. No. 62 (I) as amended]

no 62
dt 2-6-30

To be published in Residency Orders..

Copy forwarded to the Collector, Civil and Military Station, Bangalore with reference to the correspondence ending with his letter No.1093-B-30 dated the 10th April, 1930.

S. N. 17 Pue

Copy forwarded to the

District Judge,

Commissioner of Police,

Residency Surgeon,

Inspector of Schools, Coorg and Bangalore, in continuation of this office Endorsement No.2255 dated the 13th March, 1930.

S. N 16 (I)

Ko 2015.

for Secretary to the Resident.

Compiled on 31/5/30
Exd 031 31/5

THE HON'BLE THE RESIDENT IN MYSORE,

NOTIFICATION.

62 Bangalore, 12th June 1930.

In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929, (VII of 1929), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act in respect of industries, businesses and undertakings carried on in the Civil and Military Station of Bangalore other than those carried on by, or under the authority of the Governor General in Council or by a railway company:-

PRELIMINARY.

1. Short title.- These rules may be called the Bangalore (Civil and Military Station) Trade Disputes Rules, 1930.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context,-

(a) "the Act" means the Trade Disputes Act, 1929, as applied to the Civil and Military Station of Bangalore;

(b) "section" means a section of the Act;

(c) "form" means a form appended to these rules;

(d) "Chairman" means the Chairman of a Court or Board, or if the Court or Board consists of one person only, such person.

PART I.

Procedure for reference of trade disputes to Courts of Inquiry or Boards of Conciliation.

3. Application.- An application for the reference of a trade dispute to a Court or Board shall be made in Form "A" and shall be forwarded by registered post in duplicate to the Secretary to the Hon'ble the Resident in Mysore, Bangalore. The application shall be accompanied by a statement setting forth

(a) the parties to the dispute;

(b) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party;

(c) an estimate of the number of persons affected or likely to be affected by the dispute;

(d) the efforts made by the parties themselves to adjust the dispute;

(e) in the case of an application for the appointment of a Court, the specific matters on which an enquiry by a Court is desired.

Application by whom signed.- The application and the statements accompanying it shall be signed

(a) in the case of an employer, by the employer himself or when the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation.

(b) in the case of employees-

(i) where the employees are members of a registered trade union, by two of the officers of the union duly authorised in writing in this behalf by a majority of the union members affected;

(ii) where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in writing in this behalf by the majority of the employees.

Notification of appointment of Court or Board. Any appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the Kenya Gazette.

Notice to parties to nominate representatives

(1) If the appointing authority proposes to appoint a Board consisting partly of representatives of the parties to the dispute it shall send a notice in Form 'B' to the parties to nominate persons to represent them on the Board, and the time to be allowed for making nominations shall not be less than seven days nor more than one month from the date of the service of the notice.

(2) The notice shall -

(i) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the Agent, Manager or other principal officer of the Corporation;

(ii) in the case of employees who are members of registered trade union, be sent to the Secretary of the union;

(i) in

(iii) In the case of employees any or all of whom are not members of a registered trade union, be served on any one of the signatories to the application under sub-clause (ii) of clause (b) of rule 4, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the place where the employees work or there a majority of them reside or by advertisement in one or more suitable newspapers.

Part II.

Powers and procedure of Courts and Boards.

7 Place and time of hearing.— The sittings of the Court of Board shall be held at such time and place as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held; provided that, so far as practicable, the Court or Board shall sit in the locality within which the subject matter of the proceedings before it arose.

8 Quorum.— The quorum necessary to constitute a sitting of a Court or Board shall be as follows:—

	Quorum.
(i) In the case of a Court where the number of members is two	1
where the number of members is more than two but less than five	2
where the number of members is five or more.	3
(ii) In the case of a Board where the number of members is three	2
where the number of members is five.	3

9 Administration of oath.— Any member of a Court or Board may administer an oath.

10. Evidence. The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

11. Summons.— A summons issued by the Court or Board shall be in form C.

12. Service of summons or notice.— Any summons or notice issued by the Court or Board may be served either personally or

y registered post.

13. Procedure at the first sitting.— At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

14. Information to be kept confidential.— All books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such portion of the Court or Board allows; but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Court or Board do not relate to the matters at issue may be sealed up.

15. Court or Board may proceed ex parte.— If without good cause shown any party to proceedings before Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

16. Power of entry and inspection.— A Court or Board or any member thereof or any other person authorised in writing by a Court or Board in this behalf, may for the purpose of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject matter of the enquiry or investigation.

17. Court or Board may appoint experts or assessors.— The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the

results

results of such inspection or examination without the consent of both the parties to the dispute.

18. Powers of Courts and Boards.— In addition to the powers conferred by sub-section (2) of section 9 of the Act, Courts and Boards shall have the following powers also namely:

Powers vested in Courts under the Code of the Civil Procedure, when trying a suit in respect of the following matters

(a) discovery and inspection,
(b) granting adjournments,
(c) reception of evidence taken on affidavit, and the Court or Board may summon and enforce the attendance of any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

19. Decision by majority.— All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the Members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the chairman shall also have a casting vote.

20. Right of representatives.— The representatives of the parties appearing before a Court or Board, shall have the right of examination, cross-examination and re-examination and of addressing a Court or Board when all evidence has been called

Part VII

Remuneration of members of Courts and Boards and allowances and establishment.

21. Travelling allowance.— A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible, and subject to the conditions applicable, to a Government servant of the first grade under the Supplementary Rules issued by the Governor General in Council.

22. Pay.— The Chairman and members of a Court or Board shall

shall be granted such fees as may be sanctioned by the Hon'ble the Residents in Mysore in each case.

64. Summons of witnesses.- Every person who is summoned and duly attended as a witness before a Court or Board shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Civil and Military Station of Bangalore.

65. Establishments.- The Hon'ble the Resident in Mysore may appoint such persons to be the Secretary and clerks of a Court or Board as he may think necessary and may fix the salaries and allowances payable to them.

Part XV.

Representation of Parties.

66. Who parties may be represented.- Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

67. Representation by legal practitioners.- Any party to a reference before a Court or Board may be represented by a legal practitioner, ~~with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose.~~ Subject to such procedure & rules of evidence as the Court or Board may Prescribe.

68. Parties bound by acts of representatives.- Every party appearing by a representative shall be bound by the acts of such representative.

vide 23 infra

F O R M A.

(See rule 3)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a Court of Inquiry/Board of Conciliation whereas a trade dispute is apprehended/exists between ..... and ..... and it is expedient that the matter specified in the dispute/the matters upon are connected with or relevant to the dispute should be referred for enquiry/investigation and settlement by a Court of Inquiry/Board of Conciliation, an application is hereby made under section 3 of the Trade Disputes Act, 1929, that the said matters/said disputed should be referred to a Court of Inquiry/Board of Conciliation

This application is made by the undersigned who have been duly authorised to make this application by .....

(Where an application is made on behalf of the employers, state the manner in which the authority was given.)

A statement giving particulars of the dispute as required by rule 3 of the Bangalore (Civil and Military Station) Trade Disputes Rules, 1929, is enclosed.

Signature of Applicant (s).....

The Secretary to the Applicant in Dyarchy,
Bangalore.

FORM B.

(See rule 6)

Whereas a trade dispute has arisen/is apprehended between .....and ..... and it is expedient to refer the said dispute under section 3 of the Trade Disputes Act, 1950, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the ..... the name (s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) of the said Board.

If you fail to make the recommendation by the date specified above, the Hon'ble the Revenue in Mysore will select and appoint such person (persons) as he thinks fit to represent you.

SECRETARY TO THE GOVT.

Form C.
(See Rule 11)

.....in a trade dispute between.....

.....and..... has been

referred to this Court of Inquiry / Board of Conciliation for investigation

under section 3 of the Trade Disputes Act, 1913, you are hereby

summoned to appear before this Court / Board in person on the day of

.....day..... o'clock in the.....noon

on to answer all material questions touching the said

dispute and you are directed to produce on that day all the

books, papers and other documents and things in your possession

or under your control in any way relating to the matter under

investigation by this Court / Board.

Secretary Court of Inquiry / Board of Conciliation.

To be published in Residency Orders.

Copy forwarded to the Collector, Civil and Military Station, Bangalore, with reference to the correspondence ending with his letter No.1093-B-30 dated the 10th April, 1930.

Copy forwarded to the
District Judge,
Commissioner of Police,
Residency Surgeon,
Inspector of Schools, Coorg and Bangalore,

Civil and Military Station, Bangalore, in continuation of this office endorsement No.2255 dated the 13th March, 1930.

Pol. R. P. Desai

Offg. SECRETARY TO THE RESIDENT.

vdv.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 62, dated Bangalore, the 2nd June 1930.

In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act in respect of industries, businesses and undertakings carried on in the Civil and Military Station of Bangalore other than those carried on by, or under the authority of the Governor General in Council or by a railway company:—

PRELIMINARY.

1. These rules may be called the Bangalore (Civil and Military Station) Trade Dispute Rules, 1930.

Short title.

2. In these rules, unless there is anything repugnant in the subject or context,—

Definitions.

(*a*) "the Act" means the Trade Disputes Act, 1929, as applied to the Civil and Military Station of Bangalore;

(*b*) "section" means a section of the Act;

(*c*) "Form" means a form appended to these rules;

(*d*) "Chairman" means the Chairman of a Court or Board, or if the Court or Board consists of one person only, such person.

PART I.

PROCEDURE FOR REFERENCE OF TRADE DISPUTES TO COURTS OF INQUIRY OR BOARDS OF CONCILIATION.

3. An application for the reference of a trade dispute to a Court or Board shall be made in Form "A" and shall be forwarded by registered post in triplicate to the Secretary to the Hon'ble the Resident in Mysore, Bangalore. The application shall be accompanied by a statement setting forth—

Application.

(*a*) the parties to the dispute;

(*b*) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party;

(*c*) an estimate of the number of persons affected or likely to be affected by the dispute;

(*d*) the efforts made by the parties themselves to adjust the dispute;

(*e*) in the case of the application for the appointment of a Court, the specific matters on which an enquiry by a Court is desired.

4. The application and the statement accompanying it shall be signed—

Application by whom signed.

(*a*) in the case of an employer, by the employer himself, or when the employer is in incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation.

(*b*) in the case of employees—

(*i*) Where the employees are members of a registered trade union, by two of the officers of the union, duly authorised in writing in this behalf by a majority of the union members affected;

(*ii*) Where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in writing in this behalf by the majority of the employees.

5. The appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the *Mysore Residency Orders*.

Notification of appointment of Court or Board.

6. (*1*) If the appointing authority proposes to appoint a Board consisting partly of representatives of the parties to the dispute it shall send a notice in Form 'B' to the parties to nominate persons to represent them on the Board, and the time to be allowed for making nominations shall not be less than seven days nor more than one month from the date of the service of the notice.

Notice to parties to nominate representatives.

(2) The notice shall—

(i) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the agent, manager or other principal officer of the Corporation;

(ii) in the case of employees who are members of a registered trade union, be sent to the Secretary of the union;

(iii) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (ii) of clause (b) of rule 4, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the place where the employees work or where a majority of them reside or by advertisement in one or more suitable newspapers.

PART II.

Powers and procedure of Courts and Boards.

Place and time of hearing.

7. The sittings of the Court or Board shall be held at such time and place as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held; Provided that, so far as practicable, the Court or Board shall sit in the locality within which the subject matter of the proceeding before it arose.

Quorum.

8. The quorum necessary to constitute a sitting of a Court or Board shall be as follows:—

	Quorum.
(1) In the case of a Court where the number of members is two ...	1
where the number of members is more than two but less than five ...	2
where the number of members is five or more	3
(2) In the case of a Board where the number of members is three ...	2
where the number of members is five	3

Administration of oath.

9. Any member of a Court or Board may administer an oath.

Evidence.

10. The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

Summons.

11. A summons issued by the Court or Board shall be in Form 'C'.

Service of summons or notice.

12. Any summons or notice issued by the Court or Board may be served either personally or by registered post.

Procedure at the first sitting.

13. At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

Information to be kept confidential.

14. All books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such parties as the Court or Board allows; but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Court or Board do not relate to the matters at issue may be sealed up.

Court or Board may proceed *ex parte*.

15. If without good cause shown any party to proceedings before Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

Power of entry and inspection.

16. A Court or Board or any member thereof or any other person authorised in writing by a Court or Board in this behalf, may for the purposes of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject matter of the enquiry or investigation.

17. The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

Court or Board may appoint experts or assessors.

18. In addition to the powers conferred by sub-section (2) of section 9 of the Act, Courts and Boards shall have the following powers also, namely,—

Powers of Courts and Boards.

Powers vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters;—

(*a*) discovery and inspection,

(*b*) granting adjournments,

(*c*) reception of evidence taken on affidavit, and the Court or Board may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

19. All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

Decision by majority.

20. The representatives of the parties, appearing before a Court or Board, shall have the right of examination, cross-examination and re-examination and of addressing the Court or Board when all evidence has been called.

Right of representatives.

PART III.

Remuneration of members of Courts and Boards and witnesses and establishment.

21. A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible, and subject to the conditions applicable, to a Government servant of the first grade under the Supplementary Rules issued by the Governor General in Council.

Travelling allowance,

22. The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Hon'ble the Resident in Mysore in each case.

Fees.

23. Every person who is summoned and duly attends as a witness before a Court or Board shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Civil and Military Station of Bangalore.

Expenses of witnesses.

24. The Hon'ble the Resident in Mysore, may appoint such persons to be the Secretary and clerks of a Court or Board as he may think necessary and may fix the salaries and allowances payable to them.

Establishment.

PART IV.

Representation of parties.

25. Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

How parties may be represented.

26. Any party to a reference before a Court or Board may be represented by a legal practitioner ~~[with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose.]~~

Representation by legal practitioner.

27. Every party appearing by a representative shall be bound by the acts of such representative.

Parties bound by acts of representatives.

FORM A.

(See rule 3.)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a Court of Inquiry / Board of Conciliation whereas a trade dispute is apprehended / exists between

and

and it is expedient that the matter specified in the enclosed which are connected with or relevant to the dispute / the dispute should be referred for enquiry / investigation and settlement by a Court of Inquiry / Board of Conciliation an application is hereby made under section 3 of the Trade Disputes Act, 1929, that the said matters / said dispute should be referred to a Court of Inquiry / Board of Conciliation.

This application is made by the undersigned who have been duly authorised to make this application by*

---

*Where an application is made on behalf of the employees, state the manner in which the authority was given.

A statement giving particulars of the dispute as required by rule 3 of the Bangalore (Civil and Military Station) Trade Disputes Rules, 1930, is enclosed.

Signature of Applicant(s)

To

The Secretary to the Resident in Mysore,
Bangalore.

FORM B.

(See rule 6.)

Whereas a trade dispute has arisen / is apprehended between

and and it is expedient to refer the said dispute under section 3 of the Trade Disputes Act, 1929, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) of the said Board.

If you fail to make the recommendation by the date specified above, the Hon'ble the Resident in Mysore will select and appoint such person (persons) as he thinks fit to represent you.

ecretary to the Resident.

FORM C.

(See rule 11.)

Whereas a trade dispute between and has been referred to this Court of Inquiry / Board of Conciliation for investigation under section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court / Board in person on the day of at o'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court / Board.

Secretary Court of Inquiry / Board of Conciliation.

K. P. DEWAR,
Offg. Secretary to the Resident.

12? (1)—25-6-1930—50—KPB.

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 62, dated Bangalore, the 2nd June 1930.

In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act in respect of industries, businesses and undertakings carried on in the Civil and Military Station of Bangalore other than those carried on by, or under the authority of the Governor General in Council or by a railway company :—

PRELIMINARY.

1. These rules may be called the Bangalore (Civil and Military Station) Trade Dispute Rules, 1930.

Short title.

2. In these rules, unless there is anything repugnant in the subject or context,—

Definitions.

(*a*) "the Act" means the Trade Disputes Act, 1929, as applied to the Civil and Military Station of Bangalore;

(*b*) "section" means a section of the Act;

(*c*) "Form" means a form appended to these rules;

(*d*) "Chairman" means the Chairman of a Court or Board, or if the Court or Board consists of one person only, such person.

PART I.

PROCEDURE FOR REFERENCE OF TRADE DISPUTES TO COURTS OF INQUIRY OR BOARDS OF CONCILIATION.

3. An application for the reference of a trade dispute to a Court or Board shall be made in Form "A" and shall be forwarded by registered post in triplicate to the Secretary to the Hon'ble the Resident in Mysore, Bangalore. The application shall be accompanied by a statement setting forth—

Application.

(*a*) the parties to the dispute;

(*b*) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party;

(*c*) an estimate of the number of persons affected or likely to be affected by the dispute;

(*d*) the efforts made by the parties themselves to adjust the dispute;

(*e*) in the case of the application for the appointment of a Court, the specific matters on which an enquiry by a Court is desired.

4. The application and the statement accompanying it shall be signed—

Application by whom signed.

(*a*) in the case of an employer, by the employer himself, or when the employer is in incorporated company or other body corporate, by the agent, manager or other principal officer of the Corporation.

(*b*) in the case of employees—

(*i*) Where the employees are members of a registered trade union, by two of the officers of the union, duly authorised in writing in this behalf by a majority of the union members affected;

(*ii*) Where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in writing in this behalf by the majority of the employees.

5. The appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the *Mysore Residency Orders*.

Notification of appointment of Court or Board.

6. (*1*) If the appointing authority proposes to appoint a Board consisting partly of representatives of the parties to the dispute, it shall send a notice in Form 'B' to the parties to nominate persons to represent them on the Board, and the time to be allowed for making nominations shall not be less than seven days nor more than one month from the date of the service of the notice.

Notice to parties to nominate representatives.

(2) The notice shall—

(i) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the agent, manager or other principal officer of the Corporation;

(ii) in the case of employees who are members of a registered trade union, be sent to the Secretary of the union;

(iii) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (ii) of clause (b) of rule 4, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the place where the employees work or where a majority of them reside or by advertisement in one or more suitable newspapers.

PART II.

Powers and procedure of Courts and Boards.

Place and time of hearing.

7. The sittings of the Court or Board shall be held at such time and place as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held; Provided that, so far as practicable, the Court or Board shall sit in the locality within which the subject matter of the proceeding before it arose.

Quorum.

8. The quorum necessary to constitute a sitting of a Court or Board shall be as follows:—

	Quorum.
(1) In the case of a Court where the number of members is two	1
where the number of members is more than two but less than five ...	2
where the number of members is five or more	3
(2) In the case of a Board where the number of members is three ...	2
where the number of members is five	3

dministration of oath.

9. Any member of a Court or Board may administer an oath.

vidence.

10. The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

ummons.

11. A summons issued by the Court or Board shall be in Form 'C'.

ervice of summons or notice.

12. Any summons or notice issued by the Court or Board may be served either personally or by registered post.

roceedure at the first sitting.

13. At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

nformation to be kept con; ntial.

14. All books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such parties as the Court or Board allows; but the information obtained therefrom ıll not, except as provided in the Act, be made public and such parts of the books, papers, cuments or things as in the opinion of the Court or Board do not relate to the matters at ıe may be sealed up.

ourt or Board may proceed parte.

15. If without good cause shown any party to proceedings before Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

owers of entry and inspec; n.

16. A Court or Board or any member thereof or any other person authorised in writing by a Court or Board in this behalf, may for the purposes of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any ilding, factory, workshop or other place or premises whatsoever and inspect the same or y work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject matter of the enquiry or investigation.

Court or Board may appoint experts or assessors.

17. The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

Powers of Courts and Boards.

18. In addition to the powers conferred by sub-section (2) of section 9 of the Act, Courts and Boards shall have the following powers also, namely,—

Powers vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

(*a*) discovery and inspection,

(*b*) granting adjournments,

(*c*) reception of evidence taken on affidavit, and the Court or Board may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Decision by majority.

19. All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

Right of representatives.

20. The representatives of the parties, appearing before a Court or Board, shall have the right of examination, cross-examination and re-examination and of addressing the Court or Board when all evidence has been called.

PART III.

Remuneration of members of Courts and Boards and witnesses and establishment.

Travelling allowance.

21. A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible, and subject to the conditions applicable, to a Government servant of the first grade under the Supplementary Rules issued by the Governor General in Council.

Fees.

22. The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Hon'ble the Resident in Mysore in each case.

Expenses of witnesses.

23. Every person who is summoned and duly attends as a witness before a Court or Board shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Civil and Military Station of Bangalore.

Establishment.

24. The Hon'ble the Resident in Mysore, may appoint such persons to be the Secretary and clerks of a Court or Board as he may think necessary and may fix the salaries and allowances payable to them.

PART IV.

Representation of parties.

How parties may be represented.

25. Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

Representation by legal practitioner.

26. Any party to a reference before a Court or Board may be represented by a legal practitioner, with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose.

SN. 22

Parties bound by acts of representatives.

27. Every party appearing by a representative shall be bound by the acts of such representative.

FORM A.

(See rule 3.)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a Court of Inquiry / Board of Conciliation whereas a trade dispute is apprehended / exists between

and

and it is expedient that the matter specified in the enclosed / which are connected with or relevant to the dispute should be referred for enquiry / investigation and settlement by a Court of Inquiry / Board of Conciliation an application is hereby made under section 3 of the Trade Disputes Act, 1929, that the said matters / said dispute should be referred to a Court of Inquiry / Board of Conciliation.

This application is made by the undersigned who have been duly authorised to make this application by*

---

*Where an application is made on behalf of the employees, state the manner in which the authority was given.

A statement giving particulars of the dispute as required by rule 3 of the Bangalore (Civil and Military Station) Trade Disputes Rules, 1930, is enclosed.

Signature of Applicant(s)

To

The Secretary to the Resident in Mysore,
Bangalore.

FORM B.

(See rule 6.)

Whereas a trade dispute has arisen / is apprehended between

and and it is expedient to refer the said dispute under section 3 of the Trade Disputes Act, 1929, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required to intimate to the undersigned not later than the the name(s) and address(es) of one (two) person(s) whom you wish to recommend for appointment as your representative(s) of the said Board.

If you fail to make the recommendation by the date specified above, the Hon'ble the Resident in Mysore will select and appoint such person (persons) as he thinks fit to represent you.

Secretary to the Resident.

FORM C.

(See rule 11.)

Whereas a trade dispute between and has been referred to this Court of Inquiry / Board of Conciliation for investigation under section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court / Board in person on the day of at o'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court / Board.

Secretary Court of Inquiry / Board of Conciliation.

K. P. DEWAR,
Offg. Secretary to the Resident.

12: (1)—25-6-1930—50—LPB.

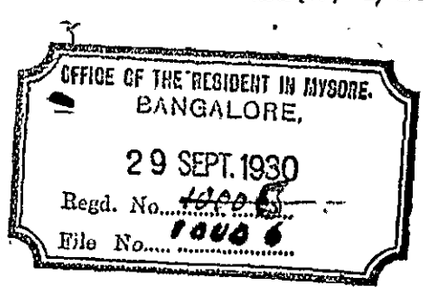
No. F.244-I/30.

A copy of the undermentioned papers is forwarded to:

the Hon'ble the Resident at Hyderabad,
the Hon'ble the Resident in Mysore,
the Hon'ble the Agent to the Governor General in Central India,
the Hon'ble the Agent to the Governor General in Rajputana,
the Hon'ble the Agent to the Governor General in the States of Western India,
the Hon'ble the Agent to the Governor General, Punjab States,
the Resident at Baroda,
the Resident in Kashmir,
the Resident at Gwalior,
the Political Officer in Sikkim,
the Agent to the Governor General, Madras States,

for information, in continuation of the endorsement from the Government of India, Foreign and Political Department No. 111(2)-I/1929, dated the 20th January 1930.

(4)
P.S.P.



By order, etc.,

for Deputy Secretary to the Government of India.

Foreign and Political Department.

Simla;
The 23rd September 1930.

Circular letter from the Government of India in the Department of Industries and Labour No. L.1593, dated the 8th September, 1930 with enclosure.

Government of India.

Department of Industries and Labour.

No. L1593.

Dated Simla, the 8th September 1930.

sain, Esq., I.C.S.,

Under Secretary to the Government of India,

To

All Local Governments and Administrations.

Amendments to the Indian Trade Disputes Rules, 1929.

...

Sir,

In continuation of this Department's letter No. L1593, dated the 7th January 1930, I am directed to enclose a copy of this Department's notification No. L1593, dated the 21st August 1930, publishing a further amendment to the Indian Trade Disputes Rules, 1929, made by the Governor General in Council in exercise of the powers conferred on him by section 19 of the Trade Disputes Act, 1929, The notification appeared in the Gazette of India dated the 23rd August 1930.

2. Correction slips to the "Indian Trade Disputes Rules, 1929" embodying the amendments so far made have been sent to the press and will shortly be available for sale at the Government of India Central Publication Branch, Calcutta.

I have, etc.;

Sd. H.Hussain,

Under Secretary to the Government of Indi

(3)

L I S T.

1, The Secretary to the Government of Bengal,
Commerce Department.

2. The Secretary to the Government of Bombay,
Political Department.

3. The Secretary to the Government of Madras,
P.W. and Labour Department.

4. The Secretary to the Government of the United Provinces,
Industries Department.

5. The Secretary to the Government of Burma,
Judicial Department.

6. The Secretary to the Government of Bihar and Orissa,
Revenue Department.

7. The Revenue Secretary to the Government of the Central Provinces.

8. The Revenue Secretary to the Government of the Punjab.

9. The Chief Secretary to the Government of Assam.

10. The Hon'ble the Chief Commissioner and Agent to the Governor General in the North West Frontier Province, Peshawar.

11. The Hon'ble the Agent to the Governor General and Chief Commissioner in Baluchistan.

12. The Hon'ble the Chief Commissioner in Ajmer-Merwara.

13. The Chief Commissioner of Coorg.

14. The Chief Commissioner, Delhi.

Department of Industries and Labour.

N O T I F I C A T I O N.

Simla, the 21st August 1930.

No. L-1593.- In exercise of the powers conferred by Section 19 of the Trade Disputes Act, 1929(VII of 1929), the Governor General in Council is pleased to make the following amendment to the Indian Trade Disputes Rules, 1929, namely:-

In rule 27 of the said Rules, for the words "with the permission of the Court or Board, and subject to such conditio or restrictions as the Court or Board may impose" the words "subject to such procedure or rules of evidence as the Court or Board may prescribe" shall be substituted.

Sd. J.A.Shillidy,

Secretary to the Government of India.

[R.O.106(a).]

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 22nd October 1930

No. 7974 Enclos./

S.N.19 (1-2)

Notifica -tion.

A copy of the marginally* noted paper is forwarded

*No. L.1593

dated the 21st August '30

from the Government of India.

to the Collector, C & M Station, Bangalore for information in continuation of the endt from this Residency No.62 dated the 2nd June, '30.

2. He is requested to submit for the consideration of the Resident the necessary draft amendement to the rules in force in the C & M Station.

S.N. 18 (H) 1931

for Secretary to the Resident.

1212—16-3-1929—5,000—RPB.

ICSW 12.10.30

18/10/30

No. 4936-B-30.

Office of the Collector,
Civil and Military Station, Bangalore.

Dated 30th October, 1930

FROM

G. H. Cooke, Esq., M.C., I.C.S.

COLLECTOR, CIVIL AND MILITARY STATION,

BANGALORE,

To

The Secretary to the Resident
in Mysore, Bangalore.

SIR,

1.20

Indian Trade Disputes Rules, 1929 -
Amendments to - Your No.7974/139 of 19
dated the 22nd October 1930.

I enclose a draft notification of the amendments to the rules in force in the Civil and Military Statio Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

COLLECTOR. 31.10.30

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
3 NOV. 1930
Regd. No. 11,196
File No. 139/29

CKN/31.10

KAA 31-10.

DESPATCHED
1-NOV. 1930

No. Bangalore, dated 1930.

(A)

(DRAFT) NOTIFICATION.

In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following amendment to the Bangalore (Civil and Military Station) Trade Dispute Rules, 1930, namely:-

(K)
S. N. 18

In rule 26 of the said Rules, for the words "with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose" the words "subject to such procedure or rules of evidence as the Court or Board may prescribe" shall be substituted.

27.10.30

COLLECTOR. SECRETARY TO THE RESIDENT.

KAA
31.10.

Proceedings of the Hon'ble the Resident in Mysore.

No. 113 Dated Bangalore 17th Nov.

The following notification will be published in the Mysore Residency Orders.

NOTIFICATION.

In exercise of the powers conferred by section 20 of the Trade Disputes Act, 1929 (VII of 1929), in addition to the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to make the following amendment to the Bangalore (Civil and Military Station) Trade Dispute Rules, 1930, namely:-

In rule 28 of the said Rules, for the words "with the permission of the Court or Board, and subject to such conditions or restrictions as the Court or Board may impose" the words "subject to such procedure or rules of evidence as the Court or Board may prescribe" shall be substituted.

Sd/-

15/11

Major.

Location Staff Officer.

To Major, Political Agent. 15-11-30

Copy forwarded to the Collector, Civil & Military Station, Bangalore, with reference to the correspondence ending with his letter No. 4[illegible], dated the 26th October, 1930.

Copy forwarded to the

District Judge,
Commissioner of Police,
Residency Surgeon,
Inspector of Schools, Ooregaum Bangalore,

in continuation of this Residency No. [illegible], dated the 2nd June, 1930.

EJ
15/11.